

REMARKS

After the above amendments, Claims 1 and 7-30 are pending. Claims 14-22, 24 and 26 are withdrawn. New Claims 29 and 30 have been added.

Claims 8-9 stand rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite.

Claims 1, 7-9, 12-13, 23, 25, and 27-28 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by PCT Publication No. WO 01/30501 to Kennewell et al. ("Kennewell").

Claims 10 and 11 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Kennewell in view of U.S. Patent No. 6,685,794 to Shinohara et al. ("Shinohara").

Applicants have amended Claims 1, 8, 23 and 25 for clarification, as indicated above. Applicants respectfully traverse the rejections under §112, §102 and §103 for at least the reasons described herein.

Section 112 Rejections

Claims 8-9 stand rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. Applicants have amended Claim 8, as indicated above, in an effort to address the Examiner's concerns. In view of this amendment, reconsideration and withdrawal of these rejections is respectfully requested.

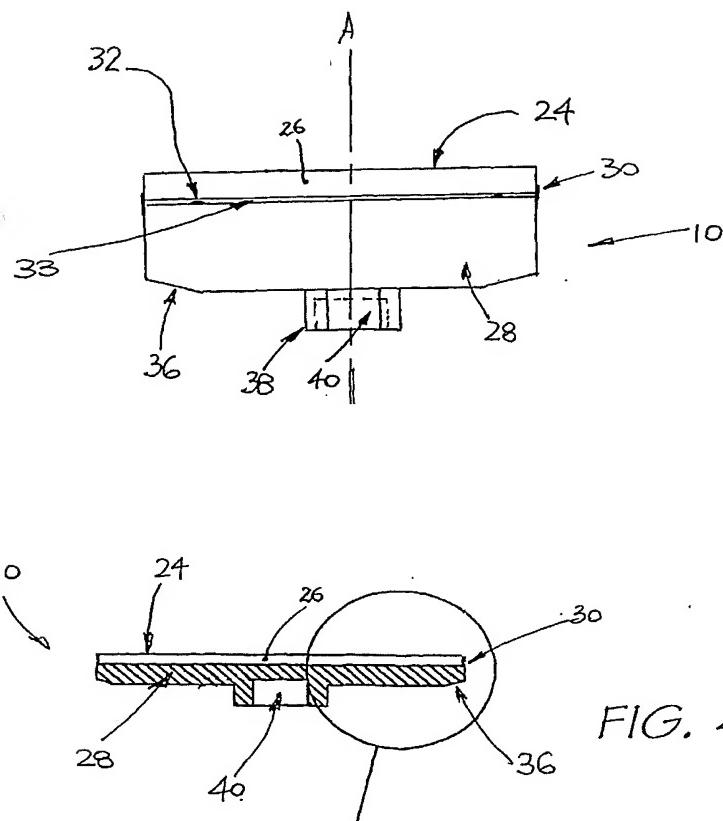
Section 102 Rejections

A claim is anticipated under 35 U.S.C. §102 if each claimed element is found in a single prior art reference. *Scripps Clinic & Research Foundation v. Genentech, Inc.*, 927 F.2d 1565, 1576 (Fed. Cir. 1991); *Carella v. Starlight Archery and Pro Line Co.*, 804 F.2d 135, 138 (Fed. Cir. 1986). There must be no difference between the claimed invention and the reference disclosure, as viewed by an ordinary artisan. *Scripps Clinic & Research Foundation v. Genentech, Inc.*, 927 F.2d at 1576.

Independent Claim 1 stands rejected under 35 U.S.C. §102(b) as being anticipated by Kennewell. Applicants respectfully traverse the rejection on the basis that Kennewell fails to disclose all of the recitations of independent Claim 1, as alleged in the Action. Claim 1 has

been amended to recite that the distributor plate consists of a single base portion *including a central portion having a substantially planar continuous upper surface* and a single wear element comprising a *substantially planar circular disc including a central portion*, the single *wear element being positioned on and affixed to the upper surface to alone entirely cover the upper surface of the base portion including the base portion central portion* onto which the material would otherwise be received. Support for the amendment can be found in Figures 1 to 8 of the application and, more generally, in Applicants' specification where the embodiment illustrated and described is a distributor plate 10 consisting of a base portion 28 and a wear plate 26.

A portion of Fig. 1 and Fig. 4 from Applicants' application are set forth below.



As clearly illustrated in the above figures, and as recited in Claim 1, the distributor plate 10 consists of a single base portion 28 including a central portion having a substantially planar continuous upper surface and a single wear element 26 comprising a substantially planar

circular disc including a central portion, the single wear element 26 being positioned on and affixed to the upper surface to alone entirely cover the upper surface of the base portion 28 including the base portion central portion.

Figs. 2, 3A and 7 from Kennewell are set forth below.

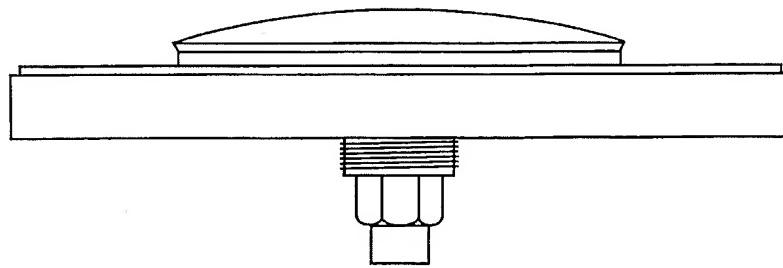


FIGURE 2

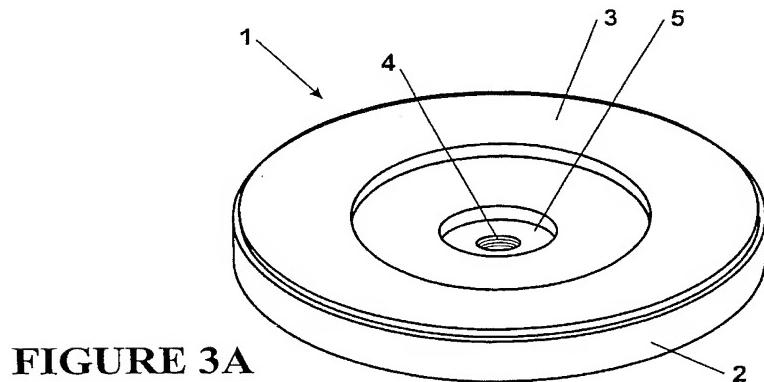


FIGURE 3A

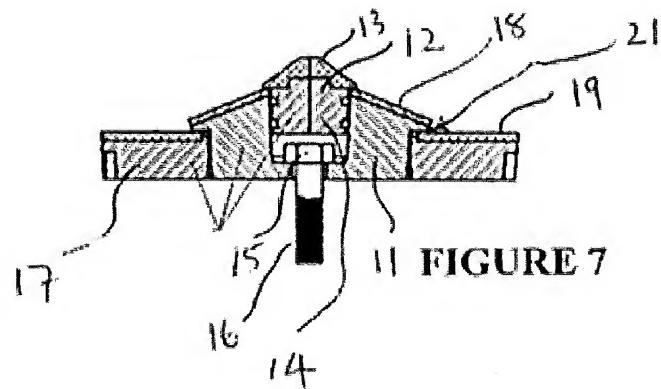


FIGURE 7

The Kennewell distributor plate illustrated in Figs. 2 and 3A includes a substrate 2 and an annulus 3 adhesively affixed to the substrate 2. A central hole 4 is surrounded by a recess 5 which accommodates a head of a fixing bolt 6. Both the substrate 2 and the annulus 3 in the Kennewell distributor plate of Figs. 2 and 3A have a respective central aperture. Because of these central apertures in substrate 2 and annulus 3 for receiving a fixing bolt 6 therethrough, the Kennewell distributor plate of Figs. 2 and 3A cannot be described as consisting of a single base portion including a central portion and a single wear element comprising a substantially planar circular disc including a central portion, as recited in amended Claim 1. Moreover, the surface of the substrate 2 cannot be considered as continuous because of the central aperture for receiving the fixing bolt 6 therethrough.

The Kennewell distributor plate illustrated in Fig. 7 is comprised of a central disc-like member 11 surrounded by an annular member 17. In order for both members 11, 17 to be located in the chamber, the central disc-like member 11 is provided an aperture to receive a composite capping member 12 above a bolt head 15. Accordingly, the Kennewell distributor plate of Fig. 7 consists of several base portions to provide a surface onto which material in the chamber would be received. Further, between each base portion there inherently exists edges and join lines which provide preferential sites for wear. The Kennewell distributor plate of Fig. 7 cannot be described as consisting merely of a single base portion including a central portion and a single wear element comprising a substantially planar circular disc including a central portion, as recited in amended Claim 1. Neither can the surface of the Kennewell distributor plate be considered as continuous because there is a central aperture recess for receiving a composite capping member 12 above a bolt head 15 in the central disc-like member 11 - the thickness of the surface of the central disc-like member or its corresponding wear member is thus not constant throughout.

Further, the manner in which the Kennewell distributor plates in Figs. 2, 3A and 7 are located and fixed within a chamber demands that both parts have a central aperture to receive a bolt therethrough. Kennewell fails to teach a manner in which the distributor plate may be located and fixed in the chamber from its underside, as in the present invention, thus dispensing with the necessity to disrupt the central portion of the continuous upper surface of base portion and the central portion of its wear plate.

In view of the above, it is respectfully submitted that there is a substantial difference between the claimed invention and the disclosure of Kennewell. As such, Kennewell fails to teach all of the recitations of independent Claim 1 and, accordingly, does not anticipate independent Claim 1. Applicants respectfully assert that the rejection of independent Claim 1 under 35 U.S.C. §102 is overcome. Additionally, Applicants submit that dependent Claims 7-13, 27-28 and 29-30 are patentable at least by virtue of the patentability of independent Claim 1, from which they depend and respectfully request the allowance thereof.

Independent Claims 23 and 25 have been amended to contain similar recitations as Claim 1. Thus, for at least the same reasons set forth above, Applicants respectfully submit that Kennewell fails to teach all of the recitations of independent Claims 23 and 25 and, accordingly, does not anticipate independent Claims 23 and 25. Applicants respectfully assert that the rejections of independent Claims 23 and 25 under 35 U.S.C. §102 are overcome.

New Claims Are Patentable

New Claim 29 recites the base portion has a multi-sided basal spigot adapted for insertion into a multi-sided central recess of the rotor shaft. New Claim 30 recites a number of sides of the central recess is a multiple of a number of sides of the spigot. Support for new Claims 29 and 30 is found on page 16, lines 1-10 of the specification. The advantage of the arrangement defined in new Claims 29 and 30 is that the arrangement prevents the distributor plate from turning relative to the rotor in operation and locates the distributor plate in its proper position. In contrast, the distributor plate of Kennewell is fixed to the rotor by means of a central bolt, which holds the distributor plate in place and prevents relative rotation to the rotor. The solution of the present invention removes the need for a central fixing bolt, which improves the wear life of the distributor plate and makes the distributor plate easier to fit. Kennewell is entirely silent on the solution provided in new Claims 29 and 30 to this problem.

Section 103 Rejections

Claims 10 and 11 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Kennewell in view of Shinohara. Because Claims 10 and 11 are dependent from Claim 1, Applicants respectfully submit that Claims 10 and 11 are allowable for at least

the reasons set forth above with respect to §102. As discussed above, the primary reference, Kennewell, fails to teach or suggest all of the recitations of Applicants' independent Claim 1. The secondary reference, Shinohara, fails to overcome the deficiencies of Kennewell with respect to independent Claim 1. Shinohara describes a method for bonding two optical disc substrates together which comprises the steps of joining the optical disc substrates together with an adhesive and curing the adhesive, in which the adhesive is supplied onto the optical disc substrate by an electric field formed between an adhesive-supplying nozzle, for supplying the adhesive onto the optical disc substrate, and the optical disc substrate, and the two optical disc substrates are then joined together and spun by a spinning process.

In view of the above, Applicants respectfully assert that the rejections of Claims 10 and 11 under 35 U.S.C. §103 are overcome.

CONCLUSION

In view of the above, it is respectfully submitted that this application is in condition for allowance, which action is respectfully requested.

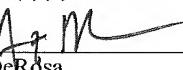
Respectfully submitted,


Needham J. Boddie, II
Attorney for Applicants
Registration No. 40,519

USPTO Customer No. 20792
Myers Bigel Sibley & Sajovec, P.A.
Post Office Box 37428
Raleigh, North Carolina 27627
Telephone: (919) 854-1400
Facsimile: (919) 854-1401
Doc. No. 893643

CERTIFICATION OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with 37 C.F.R. § 1.6(a)(4) to the U.S. Patent and Trademark Office on **May 14, 2010**.



Anthony DeRosa